

LUCIAN J. GRECO, JR., ESQ.  
Nevada State Bar No. 10600  
JARED G. CHRISTENSEN, ESQ.  
Nevada State Bar No. 11538  
DELEELA M. WEINERMAN, ESQ.  
Nevada State Bar No. 13985  
BREMER WHYTE BROWN & O'MEARA LLP  
1160 N. TOWN CENTER DRIVE  
SUITE 250  
LAS VEGAS, NV 89144  
TELEPHONE: (702) 258-6665  
FACSIMILE: (702) 258-6662  
lgreco@bremerwhyte.com  
jchristensen@bremerwhyte.com  
dweinerman@bremerwhyte.com

Attorneys for Defendant,  
JAMES RIVER INSURANCE COMPANY

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DARNISHA JOHNSON, an individual,	)	Case No. 2:20-cv-00399-JCM-EJY
Plaintiff,	)	<b>JOINT DISCOVERY PLAN AND</b>
vs.	)	<b>SCHEDULING ORDER</b>
JAMES RIVER INSURANCE	)	<b>PURSUANT TO FED. R. CIV. P.</b>
COMPANY, an Illinois corporation;	)	<b>26(f) AND LOCAL RULE 26-1(b)</b>
DOES I through X; and ROE	)	<b>SPECIAL SCHEDULING</b>
CORPORATIONS I through X, inclusive,	)	<b>REVIEW REQUESTED</b>
Defendant.	)	

Plaintiff, Darnisha Johnson by and through her attorney of record, Eric Hinckley, Esq. of Lowe Law Group, and Defendant, James River Insurance Company by and through its attorneys of record, Lucian J. Greco, Jr, Esq., Jared G. Christensen, Esq. and Deleela M. Weinerman, Esq. of Bremer Whyte Brown and O'Meara, LLP, hereby submit their Joint Discovery Plan and Scheduling Order Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1(b). Deadlines that fall on a Saturday, Sunday or legal holiday have been scheduled for the next judicial day.

- 1       **1. Fed. R. Civ. P. 26(f) Meeting:** Pursuant to Fed. R. Civ. P. 26(f), counsel for  
2       the parties conferred by telephone to develop a proposed discovery plan on  
3       March 31, 2020. The conference was held by Eric Hinckley, Esq. of Lowe  
4       Law Group on behalf of Plaintiff, and Deleela M. Weinerman, Esq. of  
5       Bremer Whyte Brown & O'Meara LLP on behalf of Defendant.
- 6       **2. Pre-Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1), the parties  
7       will make their pre-discovery disclosures, including any and all information  
8       required by Fed. R. Civ. P. 26(a)(1) on or before April 14, 2020.
- 9       **3. Areas of Discovery:** The parties agree that the area of discovery should  
10      include, but not be limited to all claims and defenses allowed pursuant to the  
11      Federal Rules of Civil Procedure.
- 12      **4. Discovery Plan:** The parties propose the following discovery plan:
  - 13          **a. Discovery Cut-Off Date [LR 26-1(b)(1)]:** The proposed last day of  
14          discovery shall be **November 30, 2020**, which is calculated as 240  
15          days from the 26(f) conference. The parties request a longer period to  
16          conduct discovery in order to accommodate the extent of discovery that  
17          will be required. Plaintiff has allegedly incurred over \$42,000.00 in  
18          past medical specials, and has alleged future medical specials in  
19          excess of \$1,438,000.00, and has further alleged a wage loss claim of  
20          \$100,000.00. Due to the alleged future medical specials, the parties  
21          anticipate an Independent Medical Examination, which due to the  
22          COVID-19 outbreak, the parties anticipate scheduling difficulties.  
23          Defendant anticipates obtaining Plaintiff's medical records, deposing  
24          treating physicians, and retaining experts, who will in turn likely be  
25          deposed by Plaintiffs. Therefore, the parties respectfully request  
26          additional time to conduct discovery in this matter as reflected herein.
  - 27          **b. Amendment of Pleadings and Adding of Parties [LR26-1(b)(2)]:**  
28          The parties shall have until **September 1, 2020**, to file any motions to

1 amend the pleadings or to add parties. This is 90 days before the  
2 proposed discovery cut-off date.

3 **c. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) [LR26-1(b)(3)]:**

4 Disclosure of experts shall proceed according to Fed. R. Civ. P.  
5 26(a)(2) and pursuant to LR 26-1(b)(3). The initial disclosure of  
6 experts and expert reports shall occur on **October 1, 2020**, which is  
7 60 days before the proposed discovery cut-off date, and the disclosure  
8 of rebuttal experts and rebuttal expert reports shall occur on  
9 **November 2, 2020**, which is 30 days after the initial disclosure of  
10 experts.

11 **d. Interim Status Report [LR 26-3]:** The Interim Status Report is due  
12 on **October 1, 2020**, which is 60 days before the discovery cut-off.

13 **e. Dispositive Motions [LR 26-1(b)(4)]:** The parties shall have until  
14 **December 30, 2020** to file dispositive motions, which is 30 days after  
15 the proposed discovery cut-off date.

16 **f. Pre-Trial Order [LR 26-1(b)(5)]:** The joint pre-trial order shall be  
17 filed by **January 29, 2021**, which is 30 days after the date set for filing  
18 dispositive motions. If a dispositive motion is timely filed, this deadline  
19 is suspended until 30 days after a decision on the dispositive motion or  
20 further order of the Court.

21 **g. Trial Readiness:** This case should be ready for trial by May or June  
22 of 2021 and is expected to take approximately 7-10 days.

23 **h. Fed. R. Civ. P. 26(a)(3) Disclosures [LR 26-1(b)(6)]:** Unless  
24 otherwise directed by the Court, pretrial disclosures as set out in Fed.  
25 R. Civ. P. 26(a)(3) and any objections to them shall be included in the  
26 joint pre-trial order.

27 **i. Court Conferences:** If the Court has questions regarding the dates  
28 proposed by the parties, the parties request a conference with the Court

1 before entry of the Scheduling Order. If the Court does not have  
2 questions, the parties do not request a conference with the Court.

3 **j. Extension or Modifications of the Discovery Plan and Scheduling**

4 **Order:** LR 26-4 governs modifications or extensions of the  
5 Discovery Plan and Scheduling Order. Any stipulation or motion to  
6 extend a deadline set forth in the discovery plan and scheduling order  
7 must be made not later than 21 days before the subject deadline.

8 **k. Format of Discovery:** Pursuant to the electronic discovery

9 amendments to the Federal Rules of Civil Procedure effective  
10 December 1, 2006, the parties addressed the e-discovery issues  
11 pertaining to the format of discovery at Fed. R. Civ. P. 26(f)  
12 conference. The parties do not anticipate discovery of native files or  
13 metadata at this time, but each party reserves the right to make a  
14 showing for the need of such electronic data as discovery progresses.

15 **5. Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]:** The  
16 parties certify that they met and conferred about the possibility of using  
17 alternative dispute resolution processes, including mediation, arbitration, and  
18 if applicable, an early neutral evaluation.

19 **6. Alternative Forms of Case Disposition [LR 26-1(b)(8)]:** The parties certify  
20 that they considered consent to trial by a Magistrate Judge under 28 U.S.C.  
21 636(c) and Fed. R. Civ. P. 73, and the use of the Short Trial Program (General  
22 Order 2013-01).

23 **7. Electronic Evidence [LR 26-1(b)(9)]:** The parties certify that they  
24 discussed whether they intend to present evidence in electronic format to  
25 jurors for the purposes of jury deliberations. The parties may present  
26 evidence in electronic format to jurors for the purposes of jury deliberations  
27 in compliance with the Court's electronic jury evidence display system.  
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1           **8. Review of Local Rule 26-1(b):** The parties certify that they have read the  
2           text of Local Rule 26-1(b), effective as amended May 1, 2016.  
3

4 Dated this 3<sup>rd</sup> day of April 2020

5 LOWE LAW GROUP  
6

7  
8 By: /s/ Eric Hinckley  
9 Eric Hinckley, Esq.  
10 Nevada Bar No. 12398  
11 *Attorneys for Plaintiff,*  
12 *Darnisha Johnson*  
13

Dated this 3<sup>rd</sup> day of April 2020

BREMER WHYTE BROWN &  
O'MEARA, LLP

By: /s/ Deleela M. Weinerman  
Lucian J. Greco, Jr, Esq.  
Nevada Bar No. 10600  
Jared G. Christensen, Esq.  
Nevada Bar No. 11538  
Deleela M. Weinerman, Esq.  
Nevada Bar No. 13985  
*Attorneys for Defendant,*  
*James River Insurance Company*

14           **IT IS SO ORDERED**

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18 **UNITED STATE MAGISTRATE JUDGE**  
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21 **DATED:** April 6, 2020  
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